THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8822 of 2001

Dated:10.11.2006

Between
Yellayapalem Water Users Association
Rep., by its President, Nellore
Krishna Reddy

.....Petitioner

and

1.The Superintending Engineer,
Irrigation and CAD Department,
Nellore Circle, Nellore and others.

…Respondents

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W.P.No.8822 of 2001

ORDER:

This writ petition is field seeking a Mandamus to declare the inaction of the respondents 1 to 4 from taking steps to prevent the illegal lifting of water by unauthorized persons from new Rebala Link Channel as illegal and arbitrary and violative of Article 14,19 (i) (g) and 21 of the Constitution of India and also provisions of Andhra Pradesh Farmers Management of Irrigation System Act 11 of 1997 and consequently direct the respondents to take steps to prevent the illegal lifting of water by installing pump sets by unauthorized persons.

While admitting the writ petition on 27.4.2001 interim order was passed directing the respondents 1 to 4 to take steps forth with to prevent the illegal tapping of water by lift irrigation

by unauthorized persons from new Rebala Link Channel.

A detailed counter affidavit has been filed by the 4th respondent stating that on 31.3.2001, he received a report from the 3rd respondent-Deputy Executive Engineer, Buchireddypalem that unauthorized lifting of water has taken place from the new Rebala Link Channel. A similar report was also received on the same date from the President of the petitioner's association. Thereafter, the 4th respondent traversed the entire stretch of the said channel under the jurisdiction of Kodavalur police station along with two panchas namely K.Raghunandan Reddy, VAO of Yellayapalem and I.Sreenadh Reddy, president of the Milk Users Cooperative Society of Yellayapalem. Through out the stretch of the channel, no illegal pump sets were found and no illegal taping of water was observed. The contention of the petitioner that the 4th respondent seized certain pump sets in the month of

November, 2000, is factually incorrect. Certain unauthorized pump sets were seized by the Station House Officer, Buchireddypalem and not by the 4th respondent. By an order dated 27.4.2001, this Court directed that steps shall be taken forthwith to prevent illegal taping of water from the Rebala Link channel. Pursuant to the same, the 4th respondent again inspected the stretch of the channel falling under the jurisdiction of Kadavalur Police Station, but did not find any unauthorized pump sets fitted to the said channel. The Station House Offricer, Buchireddypalem also informed to the 4th respondent that no such illegal activity is going on under the limits of the police station. The Police Department will take all necessary steps to safeguard irrigation sources from illegal and unauthorized exploitation by others.

In view of the above, nothing survives for adjudication in this writ petition, except to direct the respondents to continuously monitor and see that no illegal taping take place.

Writ petition is disposed of accordingly. No

costs.

10-11-2006

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